IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 506 OF 2007

MR. MARTIRES DIAS ... Applicant
Versus
THE CHIEF OFFICER CUNCOLIM
MINICIPAL COUNCIL AND ANR., ... Respondents

Mr. Rohit Bras De Sa, Advocate for the Applicant.

Mr. V. A. Lawande, Advocate for the Respondent No.2.

Mr. C. Naik, Advocate for the Respondent No.1.

Mr. S. S. Kantak, Advocate General with Ms. L. Dharwadkar, Additional Government Advocate for the added Respondent No.3.

Coram:- R. S. MOHITE &
N. A. BRITTO, JJ.

Date:- 9th October, 2007

P.C.:-

Heard learned Counsel on behalf of both parties.

Respondent No.2 has filed a statutory appeal before the Respondent No.3, which is pending. The said appeal has been filed under sub-section(1) of Section 184(D) of the Municipalities Act, 1968. We are aware that the petition has been admitted and Rule has been issued but as long as the petition is not allowed, the provisions of sub-section(1) of Section 184(D) have got to be followed and as such the Applicant is not entitled to prayer (B) of the application.

On behalf of the Applicant, it is stated that an exparte order was granted on 23-6-2006 and the matter is pending before Respondent No.3. We direct Respondent No.3 to dispose off the application and the appeal filed as expeditiously as possible and in any event within a period of six

months. Needless to say the said proceedings will be disposed off after notice to the Respondents/Petitioners.

With the above observations, the application is disposed off.

R. S. MOHITE, J.

N. A. BRITTO, J.

RD.